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January 9, 2006
Seven o'clock P.M.
North Little Rock City Hall Council Chambers
300 Main Street
North Little Rock, Arkansas

The regular meeting of the North Little Rock City Council scheduled for Monday, January 9, 2006, was called to order at 7:00 p.m. by the honorable Mayor PATRICK HENRY HAYS. The roll having been called, and the following Aldermen answered to their names: MARTIN GIPSON, NEIL BRYANT, LINDA ROBINSON, OLEN THOMAS, GARY BERRY, JOHN PARKER, CHARLIE HIGHT and MURRY WITCHER, a quorum was declared (8/0). City Clerk Diane Whitbey and City Attorney Paul Suskie were also present.

The invocation was given by Alderman Gipson, followed by the pledge of allegiance to the flag which was led by Alderman Bryant.

On the motion of Alderman Gipson and seconded by Alderman Witcher, and by consent of all members present, the minutes from a regular council meeting held on December 22, 2005, were approved, accepted and filed as prepared by the City Clerk (8/0).

On the blanket motion of Alderman Gipson and seconded by Alderwoman Robinson, and by consent of all members present, communications #1, 2, and 3 were accepted and filed (8/0).

1. Ronnie Colvin, Vice President and General Manager Comcast, letter to Mayor Hays re: rate increase for Preferred Basic Service (\$2.49 per month increase).
2. Sharon Tedford, Mayor's Office memorandum re: application for change of manager for private club and beer on premises permit for Noa-Noa Night Club, Inc. by Mabel N. DeLeon.
3. James H. Ard, letter to Mayor Hays and City Council members re: unsafe practices by MEMS and North Little Rock Police Department selective enforcement of city vehicle ordinances.

- Prior to the meeting being convened, Mayor Hays introduced Alderman Witcher who worked as the council liaison during the recent remodeling of the Council Chambers in City Hall. Alderman Witcher presented Mayor Hays with a new gavel on behalf of the City Council and city staff. This was the first meeting to be held in the new chambers. Prior to the meeting, photos were taken of City Elected Officials. Stanley Communications provided a presentation regarding the new technology available for use, including electronic presentations, recording abilities and the control center.

Mayor Hays invited Susan Roehrenbeck, Phil Duer and Gayle Smith to come forward. The trio presented Mayor Hays with a trophy and signed soccer ball from the Arkansas and US Youth Region III Soccer Association and thanked the Mayor and Council for their support of Soccer and the fine facility located in Burns Park and advised the Region III Tournament will be held at the Burns Park complex, June 29 - July 5, 2006. Mayor Hays advised five new courts were completed this year.

Mayor Hays asked Mr. Robert Voyles, Planning Director and Mr. Mike Smith, City Engineer to come forward. Mr. Smith provided a power point presentation regarding the 100-year floodplain. Mr. Conrad Battrell has been contracted by FEMA to redraw the floodplain maps which would have an effect on the city. Sometime within the next two years, and with public input, maps will be presented and delivered, and would require following those designations. Basically, this would effect construction in such areas. Mr. Smith reviewed the floodway, floodplain and flood fringe and effects of development on a riverine floodplain. The City is a participant in the National Flood Insurance Program. Residents can get flood insurance subsidized by the government. In exchange the city regulates the 100 year floodplain (maps of the floodplain are available in the Public Works office). The flood fringe can be developed. The floodway cannot. FEMA has proposed changes effecting the floodway/seawall (levee). Mayor Hays said development would be allowed, but more difficult. Two certifications are required, including the integrity of the levee. The last slide illustrated areas of downtown which would be effected.

Mayor Hays acknowledged the following business and individuals who worked on the Council Chambers remodeling project. Clements and Associates, Mr. Gary Clements and Mr. Chris Dimon; Austin Construction, Mr. David Austin and Mr. Bruce McDonald, project superintendent; Greenfield Millwork, Mr. Jim Greenfield; Kellogg Painting, Mr. Glen Kellogg; Airmasters Heating and Cooling, Mr. Jim Monk; Arnold Blevins Electric, Mr. Jason Lewis and Mr. Craig Smith; Long Sells Lighting Consultants, Mr. Randall Long; Jay Stanley and Associates, Mr. Scott and Jay Stanley, Mr. Logan Campbell; and, Signs First, Mr. Jerry Hodge. Mayor Hays invited Mr. Austin to come forward and presented him a proclamation reflecting appreciation for their work on this project. The project was within budget and within the time frame.

Mayor Hays convened public hearings re:

- O-05-98, annexing a pocket of land known as the "Spanish Land Grant Commercial District Pocket Annexation", and
- O-05-99, annexing a pocket of land known as the "Bay Meadows Pocket Tract #1 Annexation", and
- O-05-100, annexing a pocket of land known as the "Bay Meadows Pocket Tract #2 Annexation", and
- O-05-101, annexing a pocket of land known as the "Young Road Pocket Annexation", and
- O-05-102, annexing a pocket of land known as the "Brown Fulkerson Pocket Annexation".

Mr. Sam Hilburn spoke against O-05-101. Mr. Hilburn and his wife own a farm in the area, where cattle are kept and soybeans are grown, and doesn't see a need to annex his property. Ms. Susie Witkowski spoke regarding O-05-101 and owns property on Southwind Drive. She isn't opposed to the annexation, however, she wanted to be sure city services would be provided to them as they had not in the past. Mr. George Alexander Brown spoke regarding O-05-102. He owns two acres in the area. He is opposed to the annexation. Mr. Brown advised the US Department of Agriculture has a World Utilities Service Community Connect Broadband Program providing grants in rural communities and would be interested in leasing grain elevator towers located on his property for said broadband use. Mr. Jerry Yanker is President of the Willow Beach Homeowners Association and spoke in favor of the Brown Fulkerson Pocket Annexation. The property of Mr. Brown is an eyesore. Some houses face the 115' tower and silos which are rusted and overgrown with vines and cars. It is noticeable from Highway 161. Code Enforcement is unable to assist with the problem. Mayor Hays recessed the public hearings at 8:40 p.m. until Monday, January 23, 2006, at 7:05 p.m., at which time the council will vote on the annexations.

Mayor Hays invited Mrs. Sandra Taylor-Smith, North Little Rock History Commission to come forward and share some of the history of the new chambers. Mrs. Smith said the seal to the right of Mayor was the first official city seal from the 1920's at which time the city was prosperous and signs entering the city indicated the "Industrial City of the South" and reflected the Railroad Shops/Steam Locomotive and a River Steamboat. The seal to the left was adopted in the 1956 by legislation sponsored by Alderman Paul Snow

and reflected the Little Rock Air Force Base, which was established in 1955, the Railroad and a Diesel Locomotive, and the North Little Rock Electric Department, the slogan was changed to the “Industrial City of Arkansas”. The logo in the center was contracted by Advertising and Promotion in 1980 and represents the wheel of industry, the steamboat industry, and the Old Mill in Lakewood. Mrs. Smith referred to a photograph of President Theodore Roosevelt’s visit to the city in 1905. One hundred years ago tomorrow (January 10, 2006), the city changed it’s name back from North Little Rock to Argenta because the President had addressed the people as the “citizens of Argenta”. A large print of a newspaper headline from 1904 illustrates a Supreme Court decision to allow North Little Rock to annex Little Rock’s Eighth Ward. Mayor Hays advised the city was the Eighth Ward of Little Rock from 1890 until 1904. Alderman Witcher said a seal of the City of Argenta is being made and will be displayed in the Council Chambers.

Mayor Hays advised a Special Call has been scheduled for Tuesday, January 17, 2006, at 6:00 p.m. regarding a resolution authorizing the Mayor to enter into a Unit Power Purchase Agreement with Missouri Joint Municipal Electric Utility Commission for the purchase and sale of capacity and energy from the Plum Point Energy Station and asked Mr. Joe Gertsch, Electric Department General Manager to come forward. Mayor Hays asked council members if they would be able to attend. Aldermen Gipson and Witcher will not be available. Alderman Parker had a possible conflict. If the remaining five members are present, a quorum would be declared. Mayor Hays asked council members who could not be present to submit their questions and concerns to be asked during the Special Call. Alderman Hight asked if Missouri Joint Municipal Electric Utility had made a previous presentation to the council. Mr. Gertsch reminded council members the 17th of January would be the last date to utilize a power option with Missouri Joint Municipal Electric Utility. Mr. Gertsch said the Missouri option would save money in the long-run, along with operational issues. By closing on the 17th, he would have an idea of the interest rate on the project. Transmission costs and upgrades are being considered.

UNFINISHED BUSINESS

O-05-98

AN ORDINANCE ANNEXING A POCKET OF LAND LOCATED SOUTH OF HIGHWAY 165 IN SPANISH LAND GRANT #2417 TO BE TITLED “SPANISH LAND GRANT COMMERCIAL DISTRICT POCKET ANNEXATION” TO THE CITY OF NORTH LITTLE ROCK, ARKANSAS, AND MAKING THE “SPANISH LAND GRANT COMMERCIAL DISTRICT POCKET ANNEXATION” A PART OF THE CITY OF NORTH LITTLE ROCK; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time on December 12, 2005, was read a second time on December 22, 2005. A public hearing was held this date and recessed until Monday, January 23, 2006, at 7:05 p.m. The legislation was then held at the request of the sponsor, Mayor Hays.

O-05-99

AN ORDINANCE ANNEXING A POCKET OF LAND LOCATED IN THE BAY MEADOWS ADDITION, SOUTH OF FAULKNER LAKE ROAD AND EAST OF HIGHWAY 391 TO BE TITLED “BAY MEADOWS POCKET TRACT #1 ANNEXATION” TO THE CITY OF NORTH LITTLE ROCK, ARKANSAS, AND MAKING THE “BAY MEADOWS POCKET TRACT #1 ANNEXATION” A PART OF THE CITY OF NORTH LITTLE ROCK; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time on December 12, 2005, was read a second time on December 22, 2005. A public hearing was held this date and recessed until Monday, January 23, 2006, at 7:05 p.m. The legislation was then held at the request of the sponsor, Mayor Hays.

O-05-100

AN ORDINANCE ANNEXING A POCKET OF LAND LOCATED IN THE BAY MEADOWS ADDITION, SOUTH OF FAULKNER LAKE ROAD AND EAST OF HIGHWAY 391 TO BE TITLED “BAY MEADOWS POCKET TRACT #2 ANNEXATION” TO THE CITY OF NORTH LITTLE ROCK, ARKANSAS, AND MAKING THE “BAY MEADOWS POCKET TRACT #2 ANNEXATION” A PART OF THE CITY OF NORTH LITTLE ROCK; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time on December 12, 2005, was read a second time on December 22, 2005. A public hearing was held this date and recessed until Monday, January 23, 2006, at 7:05 p.m. The legislation was then held at the request of the sponsor, Mayor Hays.

O-05-101

AN ORDINANCE ANNEXING A POCKET OF LAND LOCATED EAST OF CRYSTAL HILL ROAD AND NORTH OF NORTH SHORE BUSINESS PARK TO BE TITLED “YOUNG ROAD POCKET ANNEXATION” TO THE CITY OF NORTH LITTLE ROCK, ARKANSAS, AND MAKING THE “YOUNG ROAD POCKET ANNEXATION” A PART OF THE CITY OF NORTH LITTLE ROCK; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time on December 12, 2005, was read a second time on December 22, 2005. A public was held this date and recessed until Monday, January 23, 2006, at 7:05 p.m. The legislation was then held at the request of the sponsor, Mayor Hays.

O-05-102

AN ORDINANCE ANNEXING A POCKET OF LAND LOCATED SOUTH OF HIGHWAY 165 AND NORTH OF WILLOW BEACH ROAD TO BE TITLED “BROWN FULKERSON POCKET ANNEXATION” TO THE CITY OF NORTH LITTLE ROCK, ARKANSAS, AND MAKING THE “BROWN FERGUSON POCKET ANNEXATION” A PART OF THE CITY OF NORTH LITTLE ROCK; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time on December 12, 2005, was read a second time on December 22, 2005. A public hearing was held this date and recessed until Monday, January 23, 2006, at 7:05 p.m. The legislation was then held at the request of the sponsor, Mayor Hays.

NEW BUSINESS

R-06-01 (RESOLUTION NO. 6873 - MAYOR HAYS)

A RESOLUTION ACCEPTING A DONATION OF PROPERTY FROM WILLOW STREET VENTURES, LLC AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT GOVERNING THE DONATION; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Gipson and seconded by Alderwoman Robinson. Mayor Hays advised there is a restriction that said property will be used for parking unless there is a mutual agreement with the owner, Warren Stephens. If a future demand or lack of need occurs, the parties will work together regarding the same. On the previous motion, and all members having voted in the affirmative the resolution was unanimously adopted (8/0).

R-06-02 (RESOLUTION NO. 6874 - MAYOR HAYS)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 4514 BOYER STREET I N THE CITY OF NORTH LITTLE ROCK TO CONSTITUTE A PUBLIC NUISANCE AND CONDEMNING SAID STRUCTURES, PROVIDING A PERIOD OF TIME FOR PROPERTY OWNER TO ABATE SAID NUISANCE, AND FOR OTHER PURPOSES, was read (owner: John Grise). A motion to adopt was made by Alderman Gipson and seconded by

Alderwoman Robinson. Mayor Hays convened a public hearing regarding the same. Mr. John Grise owns the property and advised he had worked with Planning and Mr. Green. He had difficulty meeting deadlines. He could have had the building completed by the original deadline, but cannot meet the current deadlines. Mr. Grise was told the foundation was unsafe because of the foundation. He provided copies of photos of his daughters school illustrating the condition of the foundation of buildings at the school. Mr. Bobby Taylor said the project has had problems from the beginning and has been on going for a year. The blocks were supposed to have been solid-core. A Morgan Portable Building representative was provided with information regarding requirements. Mr. Taylor distributed photos and said there was no mortar in the blocks. Mr. Taylor said the seals are sagging and the vinyl siding is coming loose. Mr. Grise was given a three month extension. The foundation wasn't wide enough for the building, a ditch was later dug around the structure and filled with mortar. Bricks have cracked on the East side underneath the windows. Mrs. Patricia Harris has owned property in North Little Rock since 1952. The house needs a strong foundation of concrete. Mrs. Harris said the building should be used for storage but not a home. Mr. Joe Reynolds owns property in the general area. He has looked at the property on several occasions. Two code citations have been issued for tall grass and trash. Mr. Reynolds said the foundation isn't sturdy and cannot be repaired by putting brick over it and looks atrocious. Mr. Grise agreed it had taken a long time. He was given several two week time-lines. He said he raised the building 7 inches. His brick mason said the structure was still not high enough. His permit was pulled. The blocks are architectural blocks designed with stripes which do not contain mortar. Mr. Grise said the only alternative he has is to appeal the matter to Circuit Court. Mayor Hays adjourned the public hearing. Alderman Hight asked Mr. Voyles if the structure was exactly what the Planning Commission approved. Mr. Voyles said it was not exactly, but was similar to it (the porches are different, and the veneer was removed). Alderman Thomas asked if Mr. Grise could fix the building. Mr. Voyles said the extension agreement included hiring a plumber and electrician. Those who were contracted never called for inspections. Alderwoman Robinson said this has gone on since August, 2004. Mr. Grise signed an agreement regarding deadlines and failed to comply with said agreement. On the previous motion, and all members present having voted in the affirmative, the resolution was unanimously adopted (8/0).

R-06-03 (RESOLUTION NO. 6875 - MAYOR HAYS)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 1214 EAST 16TH STREET IN THE CITY OF NORTH LITTLE ROCK TO CONSTITUTE A PUBLIC NUISANCE AND CONDEMNING SAID STRUCTURES, PROVIDING A PERIOD OF TIME FOR PROPERTY OWNER TO ABATE SAID NUISANCE, AND FOR OTHER PURPOSES, was read (owner: Charles Anderson). A motion to adopt was made by Alderman Berry and seconded by Alderwoman Robinson. Mayor Hays convened a public hearing. There being no one present who wished to be heard, the public hearing was adjourned. On the previous motion, and all members present having voted in the affirmative, the resolution was unanimously adopted (8/0).

R-06-04 (RESOLUTION NO. 6876 - MAYOR HAYS)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 1216 EAST 16TH STREET IN THE CITY OF NORTH LITTLE ROCK TO CONSTITUTE A PUBLIC NUISANCE AND CONDEMNING SAID STRUCTURES, PROVIDING A PERIOD OF TIME FOR PROPERTY OWNER TO ABATE SAID NUISANCE, AND FOR OTHER PURPOSES, was read (owner: Charles Anderson). A motion to adopt was made by Alderman Gipson and seconded by Alderman Hight. Mayor Hays convened a public hearing. There being no one wishing to be heard, the public hearing was adjourned. On the previous motion, and all members present having voted in the affirmative, the resolution was unanimously adopted (8/0).

O-06-01

AN ORDINANCE AMENDING ORDINANCE NO. 7697 AND NO. 5328; DEFINING CERTAIN TERMS; ESTABLISHING REQUIREMENTS FOR MOBILE STORAGE CONTAINERS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. Alderman Gipson said this legislation is regarding rental of "pods" in residential areas. Mr. Voyles said this would amend the zoning ordinance by restricting the time the "pods" can be in the area to 30 days. Mr. Voyles said a no fee permit will be required for tracking purposes. Lots of record are attached to this legislation regarding old recorded tracts of land. Dumpsters are not currently included in this legislation. The legislation was held at the request of the sponsor, Mayor Hays.

O-06-02 (ORDINANCE NO. 7776 - ALDERMAN WITCHER)

AN ORDINANCE VACATING AND ABANDONING A PORTION OF HIGHCLIFF DRIVE IN THE CITY OF NORTH LITTLE ROCK; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (8/0). On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading (8/0). The ordinance was read a third and final time. On the motion of Alderman Gipson and seconded by Alderman Witcher, and by consent of all members present, the ordinance was amended as follows:: *second Whereas delete Summers Avenue and insert HIGHCLIFF DRIVE* (8/0). On the motion of Alderman Gipson and seconded by Alderman Witcher, and the roll having been called, and all members present having voted in the affirmative, the ordinance was unanimously adopted (8/0). Emergency clause unanimously adopted (8/0).

O-06-03 (ORDINANCE NO. 7777 - MAYOR HAYS)

AN ORDINANCE VACATING AND ABANDONING EASEMENTS LOCATED ON LOTS 1 AND "A", BLOCK 60, LAKEWOOD, IN THE CITY OF NORTH LITTLE ROCK; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Gipson and seconded by Alderman Bryant, the rules were suspended and the ordinance was placed on its second reading (8/0). On the motion of Alderman Berry and seconded by Alderman Hight, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading (8/0). The roll having been called, and all members present having voted in the affirmative, the ordinance was unanimously adopted (8/0). Emergency clause unanimously adopted (8/0).

PUBLIC COMMENTS-----

Mayor Hays asked Mr. Charley Baxter, Director of the Patrick Henry Hays Senior Citizens Center to provide an update with regard to the expansion. Mr. Baxter said the Task Force has been working on the project. Current plans include building a two-story structure North of the existing building. Additional swimming facilities and recreation rooms would be created. The kitchen would be expanded and offices relocated within the building. The cost estimate is close to \$5,000,000.00. In February, a plan will be presented to the council. Construction would begin in late June to early July and the building would be finished next year. Mayor Hays said the ballpark costs need to be discussed. Alderman Thomas asked about paint recycling. Mr. Harold Ford, Sanitation Director said the county no longer picks up liquid paint. However, if residents will allow the paint to dry out, or put kitty litter or sand in it (to solidify the paint), then Sanitation will pick it up with household waste. Mr. Ford advised the leaf crews are working extended hours. The first round of leaf pickup has recently been picked up. The vacuums are currently located in the area North of McCain, West of

67/167 and East of North Hills Boulevard. They should cross over to the Heritage Park area next week. Residents can mulch and bag leaves to be picked up weekly. Alderman Gipson asked council members to read a handout he provided regarding 2005 assets and opportunity scorecard throughout the US pertaining to financial security, business development, homeownership, health care and education. Alderman Gipson asked to be excused from the meeting. Ms. Whitbey asked council members to leave their extra white paper from the meeting in the City Clerks office to be recycled. Mayor Hays suggested a recycling bin outside the City Clerk's Office. Mr. James Ard asked Mr. Greg Thompson from MEMS to join him at the microphone. Mr. Thompson and Mr. Ard spoke earlier regarding his issues. Mr. Ard thanked him for agreeing to work with him and Mr. Swanson on trying to resolve issues. Mr. Ard said if Joe Carlton was living, he would like the council chambers, the PA system sounds great and everyone did a great job on the remodeling project. Mr. Ard suggested a better seating arrangement for the press. Mr. Bobby Taylor thanked everyone for condemning the Boyer property. Mr. Scott Miller said it was nice to walk to the council meeting again. He thanked the council for their assistance with the Baker House property. Mr. Miller said the Post Office on Main Street has changed window hours several times. Last week, the Post Office began locking the doors at 4:00 p.m. during the week and 10:00 a.m. on Saturday. This creates a hardship for customers with Post Office boxes at the location. Mr. Miller was told this was necessary because of homeless people using the facility for various reasons. Mayor Hays said he will write a letter to the Post Master to find out the reasons for the closings and to share the council's support of the facility in the downtown area. Alderman Witcher announced the North Little Rock Chamber of Commerce upcoming banquet, January 26, 2006, at Alltel Arena. Tickets are available. Mayor Hays advised City Hall will be closed Monday, January 16, 2006, in observance of Martin Luther King , Jr. Day. Mayor Hays thanked the council for the new gavel.

There being no further business to come before the Council, and on the motion of Alderman Witcher and seconded by Alderman Bryant, and by consent of all members present, the meeting adjourned at 8:55 p.m. (8/0), until a special call meeting to be held on Tuesday, January 17, 2006, at 6:00 p.m. and until the next regular meeting to be held on Monday, January 23, 2006, at seven o'clock p.m. in the City Council Chamber in City Hall, located at 300 Main Street, North Little Rock, Arkansas.

APPROVED: MAYOR PATRICK HENRY HAYS

ATTEST: DIANE WHITBEY, CITY CLERK